

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KENNETH E. LONG, *et al.*,

Plaintiffs,

vs.

Civil Action 2:13-cv-786
Judge Watson
Magistrate Judge King

STATE FARM INSURANCE, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

A status conference was scheduled for January 7, 2016 and, although counsel for defendant State Farm appeared, no appearance was made by or on behalf of plaintiffs. Plaintiffs, who are proceeding without the assistance of counsel, were therefore ordered to show cause, by January 14, 2016, why the case should not be dismissed for failure to prosecute. *Order*, ECF No. 35. Plaintiffs were specifically advised that their failure to respond to the order would likely result in the dismissal of this action. *Id.* Plaintiffs have not responded to the order and it appears that they have abandoned the prosecution of this action.

It is therefore **RECOMMENDED** that this action be dismissed for failure to prosecute.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28

U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objection to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal") (citation omitted)).

January 15, 2016

s/Norah McCann King

Norah McCann King

United States Magistrate Judge